

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANDY KING,

Plaintiff,

-against-

THE CITY OF NEW YORK and the NEW YORK
CITY COUNCIL,

Defendants.

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**NOTICE OF MOTION TO
DISMISS THE COMPLAINT**

20 Civ. 8283 (PAC)

PLEASE TAKE NOTICE that, upon Defendants' Memorandum of Law in Support of Their Motion to Dismiss the Complaint, dated November 12, 2020, and upon all the papers and proceedings previously had herein, defendants will move this Court, before the Honorable Paul A. Crotty, United States District Judge, Southern District of New York, at the Courthouse thereof, United States Courthouse, 500 Pearl Street, New York, New York, 10007, at a time and date to be designated by the Court, for an order and judgment, pursuant to Rules 11, 12 (b)(1), 12(b)(6), and 65 of the Federal Rules of Civil Procedure ("FRCP") and Article 78 of the New York Civil Practice Law and Rules ("CPLR") dismissing the Complaint on the grounds that: (1) the Complaint violates FRCP 11; (2) the Court lacks subject matter jurisdiction over the Complaint, in part; and (3) the Complaint fails to state a claim upon which relief can be granted; and entering judgment for defendants, and granting defendants costs, expenses, and fees, together with such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that, pursuant to Local Civil Rule 6.1(b) of the Local Civil Rules for the United States District Courts for the Southern and Eastern Districts of New York, any opposing affidavits and memoranda of law shall be served on the undersigned within fourteen (14) days after service of these moving papers.

PLEASE TAKE FURTHER NOTICE, that, pursuant to FRCP 12(a)(4), in the event that the Court denies the motion to dismiss, in whole or in part, defendants reserve their right to answer and respectfully request thirty days from the docketing of the order in which to serve an answer.

Dated: New York, New York
November 12, 2020

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1/5/2021

On December 7, the Plaintiff was directed to show cause by December 17, 2020, why the Defendant's motion to dismiss should be deemed unopposed. Plaintiff has not responded. Accordingly, the motion to dismiss is deemed unopposed. Since it is unopposed it is granted. SO ORDERED.

